

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALLSTATE INSURANCE CO.,
ALLSTATE INDEMNITY CO.,
ALLSTATE PROPERTY & CASUALTY
INSURANCE CO., ALLSTATE FIRE &
CASUALTY INSURANCE CO., and
NORTHBROOK INDEMNITY CO.,

Plaintiffs,

- against -

VLADIMIR NAZAROV, MARK
DANILOVICH, DANIL TROFIMOV,
VLADISLAV AGUVAYEV, MICHAEL
ZAVRAZHIN, KONSTANTIN
MARKEVICH, VIKTORIYA FITSAYLO,
RAFAEL MARKSUNOV aka Rafael
Maksumov, MARGARITA AKMALOVA,
MARIFAT DAVLATKHONOVA, OLEG
SIMAKOV, GRIGOL APRESYANTSI,
RIGHT AID MEDICAL SUPPLY CORP.,
GREENWAY MEDICAL SUPPLY CORP.,
ACTIVE CARE MEDICAL SUPPLY CORP.,
COMPLETE EQUIPMENT, INC.,
EQUIPLUS, INC., METRO HEALTH
PRODUCTS, INC, FRAZIER TRADING
COMPANY, INC., DEVONIAN, INC.,
MAJOR MARKET MERCHANDISE,
INC., MEM WHOLESALE, INC., NEECOM
DISTRIBUTORS, INC., ROPA, INC., VIRRA
WHOLESALE, INC., VZ GROUP, INC.,
MEDCURE SUPPLIES, INC., AMERICAN
MOBILITY MEDICAL, INC., HONO
OFFICE SUPPLY, INC., WEST COAST,
INC., A TO Z WHOLESALE, INC., BULLS
EYE WHOLESALE, INC., GRIGOL
SUPPLY, INC., ONE STOP WHOLESALE,
INC., TNM WHOLESALE, INC., JOHN
DOES 1 through 20, ABC CORPORATIONS
1 through 20, and RUSSELL IONIN,

Defendants.

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**ORDER ADOPTING REPORT AND
RECOMMENDATION**

No. 11 CV 6187 (PKC) (VMS)

PAMELA K. CHEN, United States District Judge:

The Court has reviewed and hereby adopts in its entirety the Report & Recommendation (“R&R”) of Magistrate Judge Vera M. Scanlon (Dkt. 436), granting in part and denying in part Plaintiff’s motion for default judgments against the following Defendants: Mark Danilovich; Complete Equipment, Inc.; Equiplus, Inc.; Vladislav Aguvayev; Margarita Akmalova; Grigol Apresyantisi; Marifat Davlatkhonova; Viktoriya Fitsaylo; Konstantin Markevich; Rafael Marksunov (also known as Rafael Maksumov); Oleg Simakov; Michael Zavrazhin; A to Z Wholesale, Inc.; American Mobility Medical, Inc.; Bulls Eye Wholesale, Inc.; Devonian, Inc.; Frazier Trading Company, Inc.; Grigol Supply, Inc.; Hono Office Supply, Inc.; Major Market Merchandise, Inc.; Medcure Supplies, Inc.; MEM Wholesale, Inc.; Neecom Distributors, Inc.; One Stop Wholesale, Inc.; Ropa, Inc.; TNM Wholesale, Inc.; Virra Wholesale, Inc.; VZ Group, Inc.; and West Coast, Inc. (collectively, “the Subject Defendants”). (Dkt. 352).

No objections to the R&R have been filed, and the Court finds that the extremely thorough and well-reasoned R&R is not “clearly erroneous.” *See* 28 U.S.C. s 636(b)(1)(B); Fed. R. Civ. P. 72(b). Accordingly, for the reasons set forth in the R&R, Plaintiffs’ motion for default judgment is GRANTED in part and DENIED in part. Specifically, the Court:

1. Orders default judgment on liability against the Subject Defendants as to Plaintiffs’ RICO claims and common law fraud claims;
2. Denies Plaintiff’s unjust enrichment claims as duplicative of the common law fraud claims, and dismisses them from this action;
3. Orders that the Subject Defendants be held jointly and severally liable as to each RICO enterprise scheme in which they participated, and the Subject Defendants be held liable on the RICO claims for treble Plaintiffs’ compensatory damages (minus any offsets for prior settlements), such that the Subject Defendants are jointly and severally liable for the following amounts, with some Subject Defendants being jointly and severally liable for more than one sum:

- a. Ms. Fitsaylo, Ropa and Virra for \$160,638.78;
- b. Mr. Apresyantsi and Grigol for \$964,412.88;
- c. Mr. Simakov and A to Z for \$743,125.50;
- d. Mr. Aguvayev, Mr. Markevich, Frazier Trading and Neecom for \$161,513.64;
- e. Mr. Danilovich and West Coast for \$243,841.26;
- f. Ms. Akmalova, Mr. Danilovich and American Mobility for \$9,621.24;
- g. Mr. Apresyantsi, Mr. Simakov, A to Z, Grigol and VZ Group for \$914,652.87;
- h. Ropa for \$193,002.39;
- i. Mr. Aguvayev and Frazier Trading for \$858,305.34;
- j. One Stop for \$53,977.47;
- k. Bulls Eye and One Stop for \$85,581.30;
- l. TNM for \$68,588.55;
- m. Devonian and Mr. Zavrazhin for \$1,439,494.26;
- n. Mr. Aguvayev, Mr. Apresyantsi, Ms. Davlatkhonova, Mr. Marksunov, Frazier Trading, Grigol, Hono, Medcure and VZ Group for \$1,819,748.88;
- o. Mr. Apresyantsi, Grigol and VZ Group for \$100,199.73;
- p. VZ Group for \$196,445.40;
- q. Mr. Aguvayev and Frazier Trading for \$415,432.53;
- r. Mr. Zavrazhin, Major Market and MEM for \$2,096,714.73;
- s. Mr. Aguvayev, Mr. Marksunov, Frazier Trading and Medcure for \$821,495.97;
- t. Mr. Apresyantsi and Grigol for \$1,490,590.68; and
- u. TNM and VZ Group for \$576,157.32;

4. Orders that, on the common law fraud claims, Complete Equipment, Inc. and Equiplus, Inc. are not jointly and severally liable;
5. Orders that Complete Equipment, Inc. is liable for \$83,830.82 and Equiplus, Inc. is liable for \$5,072.21;
6. Denies an award of prejudgment interest as to the RICO claims;
7. Orders that Complete Equipment, Inc. and Equiplus, Inc. are liable for prejudgment interest on the common law fraud claims in amounts to be determined by the Clerk of Court at a rate of 9% per annum, from June 13, 2010, as to the \$83,830.82 owed by Complete Equipment, Inc. and from May 10, 2011, as to the \$5,072.21 owed by Equiplus, to the date of this Order.

The Court respectfully directs the Clerk of the Court to enter judgment as to the Subject Defendants in the above-listed amounts.

SO ORDERED.

/s/ Pamela K. Chen
Pamela K. Chen
United States District Judge

Dated: September 30, 2015
Brooklyn, New York